



Fort Hood EEO Newsletter

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"We must become the change we want to see in this world..."

*-- Mahatma Gandhi
1869-1948*



Clementine Lewis

From the EEO Manager

It is a pleasure to unveil this inaugural issue of the EEO Office newsletter. The driving force behind this publication is a desire to find new ways to inform, educate and enlighten the workforce on EEO related issues. Each quarter, the newsletter will provide you with information on recent case law, regulatory guidance and "common sense" approaches to what can, at times, be a very daunting area of personnel management. This issue has loads of information that we trust will cause you to eagerly look forward to the next issue.

Fort Hood employs over 6,000 civilian employees. The ability of the commands to meet the complex needs of the installation rests squarely on these dedicated and hard-working individuals. With increasing expectation on governmental institutions, while facing a fundamentally different fiscal reality, the installation must continue to position itself to attract, develop and retain a high quality workforce. Equal opportunity is key to accomplishing this goal. It exists when workplace decisions, practices and procedures are made in a fair and non-discriminatory way.

October begins the new fiscal year and is the time the EEO staff begin preparing the Fort Hood Annual EEO Status Report in accordance with Management Directive (MD) 715. This report to the Equal Employment Opportunity Commission has three purposes:

- 1) Identifies program deficiencies and barriers to achieving a model EEO program,
- 2) Delineates planned actions necessary to address or eliminate program deficiencies and barriers, and
- 3) Outlines the installation's accomplishments toward rectifying program deficiencies and barriers. As in previous years, we look forward to working with managers and supervisors as we seek to prepare a report that reflects the great work done by the Fort Hood workforce.

This newsletter will be on our website <http://www.hood.army.mil/eeo/> the first day of each quarter. Your comments, suggestions, and contributions are welcomed. We are always appreciative of constructive feedback.

I close with a big "Thank You" to those who contributed to this issue. Special thanks to our newsletter editor Wattanaporn Videtto (Wattanaporn.videtto@us.army.mil), who is responsible for making this quarterly publication appealing, relevant and of continuing interest to you.

Fort Hood Non-Discrimination Policy

Workplace discrimination adversely affects the work environment by undermining productivity and professionalism and insults the dignity of the workforce; and may, depending on the extent and severity of the misconduct, violate civil rights laws.

The principle objective of the Department of the Army and Fort Hood EEO is to provide equal opportunity in employment without regard to race, color, religion, sex, national origin, genetic information, age, physical or mental disability and/or reprisal. The command is committed to provide a workplace environment where employees are free from discrimination, harassment, and sexual harassment and are appraised solely on the basis of merit and ability.





October is National Disability Employment Awareness Month

Theme: Profit by Investing in Workers with Disabilities

Fort Hood EEO Office presents
Assistive Technology Fair
 13 October 2011
 1300-1500
 III Corps Hqs, Building 1001, East Atrium



Come see assistive and adaptive technologies such as electronic note taking devices, smart phones, digital voice recorders, smart pens, keyboards, magnifiers, face-to-face communicators, listeners, vertical mouse, accessibility tools and information on reasonable accommodations.

More information available at:
 254-287-3602, TTY 254-285-5303
<http://www.hood.army.mil/eoo/>

The American with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) at a Glance

Foremost, with the new, broader definition of disability, employers should no longer spend a lot of time analyzing whether employees meet the definition of disability. Employers can still require medical documentation when an employee requests an accommodation and the disability and/or need for accommodation are not obvious, but the documentation related to determining whether someone has a disability should not be extensive. Instead, the focus should be on the accommodation, whether it is reasonable, whether it can be provided without an undue hardship, and whether there are other accommodations that can be considered.

Do Not Confuse the Definition of Disability and Accommodation

--Disability is an impairment that substantially limits at least one major life activity. The ADAAA has a list of things that are considered major life activities. This list includes: sleeping, walking, standing, sitting, reproducing; eating; normal cell growth; and digestive, bowel, and bladder functioning. These major life activities are not normally things that employers relate to the workplace or job performance so the question many employers have is whether they have any obligation to accommodate employees who are substantially limited in any of these activities. The answer is yes.

Make Decisions that are Job-Related and Consistent with Business Necessity

--The ADAAA broadens the definition of disability and places the focus on the actions taken by employers. In general, it is the employee's responsibility to let the employer know that a conduct or performance problem is disability-related and to request an accommodation to overcome the problem.

Reasonable Accommodations

--Once an employer establishes that an employee is substantially limited in *any* major life activity, then the employer has established that the employee has a disability and is entitled to an accommodation for *any* limitations associated with the disability. The accommodation does not have to be for the limitation that established disability, it can be for any limitation associated with the disability, whether substantial or not.

-Source: JAN E-News: Third Quarter, 2011

EEO Discrimination Complaint



Know Your Rights

*Any employee, former employee, applicant for employment, or certain contract employees who believe they have been discriminated against because of race, color, religion, sex, national origin, genetic information, age (40 years or older), physical or mental disability and/or reprisal/retaliation for participating in activities protected by the civil rights statutes, subject to the control of the Army, and wish to initiate an EEO complaint, must contact the Fort Hood EEO Office within **45 calendar days** of the alleged discrimination to proceed with the EEO complaint process.*

Additional Rights Under the EEO Process:

-- The Right to choose participation in Alternative Dispute Resolution (ADR), if deemed appropriate, or traditional EEO counseling.

--The Right to be accompanied, represented, and advised by a representative of your choice throughout the EEO complaint process.

--The Right to remain anonymous during the informal process. However, if you choose to participate in ADR, you will not be able to remain anonymous.

--The Right to amend a pending formal complaint to add additional incidents or claims that are like or related to those raised in the pending complaint at any time prior to the completion of the investigation.

Common Mistakes

1. **Not Contacting EEO Office** for guidance until it is too late.
2. **Promises.** Do not promise anything you cannot deliver.
3. **Tolerating an Unhealthy Work Environment.** You cannot ignore the problems away.
4. **Timeliness.** Bad news does not get better with time. Address concerns in a timely manner.
5. **Deadlines and Compliance.** Agency risks admonishment from the EEOC when deadlines for data requests associated with processing complaints are ignored. This includes failing to meet the terms of a Negotiated Settlement Agreement (NSA).
6. **Abandoning Responsibilities.** Supervisor has the authority and responsibility to make every effort to resolve work place issues, including sexual harassment complaints,
7. **English Only Rule.** An important rule of thumb is to ask, "Is speaking English only a business necessity?"
8. **Official Time.** An employee is entitled to a reasonable amount of official time to present his/her complaint; however, he/she needs to request this time from the supervisor before the meeting or appointment.
9. **Lack of Communication.** Frequently talk with each employee, know their interests, and goals. Give them feedback, recognize their contributions and treat them with dignity and respect.
10. **EEO and EO.** Both programs (EEO/ civilian and EO/military) have the same common goals of providing the Commander and the workforce with guidance for a work environment free from discrimination. Each program, however, is governed by different laws and regulations.

From the


EEOC
 U. S. Equal Employment
 Opportunity Commission
PRESS RELEASE

7-6-11

Retaliation Remains Most Frequent Allegation Among Federal-Sector Discrimination Complaints

WASHINGTON – Federal employees and applicants filed 17,583 complaints of employment discrimination during fiscal year 2010, a 3.75 percent increase over the previous year, according to the U. S. Equal Employment Opportunity Commission's (EEOC) Annual Report on the Federal Work Force Part I: EEO Complaints Processing for Fiscal Year 2010. The report, issued today, assesses federal agencies' equal employment opportunity complaints program statistics. The full text of the report is available on the agency's web site at <http://www.eeoc.gov/federal/reports/fsp2010/index.cfm>.

As with private sector charges of discrimination, retaliation was the most common allegation of discrimination, and registered a 2.7 percent increase over the prior fiscal year. Age and race (African-American) discrimination were the next most frequently alleged bases and each registered 5.1 percent increases. Federal employees and applicants are also protected against employment discrimination on the bases of color, sex, national origin, religion, disability, equal pay and genetic information.

"The federal government should be a model workplace," said Dexter Brooks, director of the EEOC's Federal Sector Programs. "We are concerned that retaliation is the most common basis of discrimination alleged and we caution all federal agencies to make sure that reprisals do not become the usual response to complaints of discrimination."

Unlike in the private sector, where the EEOC investigates and processes charges of discrimination, federal agencies themselves are responsible for handling complaints of discrimination filed against them. The average processing time for conducting investigations dropped from 185 days in FY 2009 to 181 days in FY 2010; however, the average processing time for closing complaints increased from 344 days to 360 days. Of the 7,053 cases closed on the merits, 3.3 percent resulted in findings of unlawful discrimination. Additionally, the parties entered into settlements in 3,623 complaints or 21.2 percent of the total complaint closures.

EEOC PRESS RELEASES (<http://www.eeoc.gov/eeoc/newsroom/index.cfm>):

9-1-11 Applebee's Owners to pay \$1 Million to settle Sexual Harassment lawsuit filed by EEOC against Applebee's Restaurant in Bismarck, ND

8-26-11 Captain's Galley to pay \$86,000 and furnish other relief to former male employees to settle Male-on-Male Sexual Harassment lawsuit filed by EEOC against Captain's Galley Restaurant in Charlotte, N.C.

8-24-11 Forrest City Grocery Company in AR to pay \$125,000 and furnish other relief to settle EEOC Sex Discrimination lawsuit.

8-22-11 3M to pay \$3 Million to settle Age Discrimination lawsuit filed by EEOC against 3M in Minneapolis, MN

8-19-11 New United Motors & Manufacturing, Inc. (NUMMI) of California to pay \$6 Million to settle Disability Discrimination lawsuit filed by EEOC.



President Signs Order to Promote Diversity and Inclusion in the Federal Workforce



WASHINGTON – 8-18-11, President Obama signed an executive order to promote equal employment opportunity, diversity and inclusion in the federal workforce, making federal workplaces models that tap talents from all segments of society.

The order directs U.S. Office of Personnel Management (OPM) Director John Berry and Deputy Director for Management of the Office of Management and Budget (OMB) Jeff Zients, in coordination with Equal Employment Opportunity Commission (EEOC) Chair Jacqueline A. Berrien and the President's Management Council (PMC), to establish a government-wide initiative to promote diversity and inclusion in the federal workforce; develop a government-wide strategic plan and guidance for agency-specific plans within 90 days; identify best practices to improve agency efforts; and establish a system for reporting on agency progress. The plans should identify strategies to remove barriers to equal opportunity in federal government recruitment, hiring, promotion, retention, professional development and training. Within 120 days after the government-wide plan is released, each agency must issue its own agency-specific Diversity and Inclusion Strategic Plan.

Top Ten Legal Landmines for Supervisors of Civilian Employees

-by Thad Podbielski, Senior Labor Counselor, OSJA

1. Weingarten Rule. This statutory right to union advice & representation applies to all bargaining unit (BU) employees who may be facing disciplinary action. If you are not sure who is in the BU, or how this right is triggered, consult your command's CPAC management employee relations (MER) advisor.

2. 59-Minute "Rule" is Not an Entitlement. A supervisor may release an employee from duty for less than one hour without charge to annual leave, on infrequent occasions typically at the end of the duty day before a holiday.

3. Past Practices Rule. Applies to BU employees. Failure to comply may result in an Unfair Labor Practice (ULP) charge or a union grievance, & an order to return to the prior practice.

4. Civilian Employees & Contractors are not Soldiers. Each status is governed by its own personnel & discipline rules. Consult your CPAC MER advisor before you initiate an action or deny an employee request.

5. Suspensions for More Than 14 Days or Removal, for employees not under probation,

from Federal Service are actions appealable to the Merit System Protection Board (MSPB).

6. Comp Time Rule. Overtime always requires prior approval, whether "paid for" with dollars or compensatory time earned. Comp time must be used within 26 pay periods to avoid being converted to overtime pay. Supervisors may direct use of comp time earned by a specific date.

7. EEO Complaint Processing Time Line. 45 calendar days to contact Fort Hood EEO office to initiate an EEO complaint.

8. Determining the appropriate penalty for employee misconduct: Supervisors must consider the 12 Douglas Factors when determining an appropriate penalty in a misconduct case. Consult your CPAC MER advisor.

9. Deposition Rules. Always talk to the agency Labor Counselor first. Tell the truth. Do not volunteer information.

10. Army Values. Treat everyone with dignity and respect; be consistent in enforcing conduct and performance standards.

EEO Professional Development Seminar– May 2011



Equal Employment Opportunity
Professional Development Seminar
26 May 2011

109 Fort Hood employees attended the annual Professional Development Seminar
“Creating a Positive, High-Energy Workplace”
sponsored by the EEO Office on 26 May 2011.

Pamela Jett, Communication Skills Expert, guided participants to learn how to move from merely doing tasks to true engagement and to realize why a little levity in the workplace eases tension, reduces turnover, and makes the atmosphere more enjoyable for everyone so you and everyone else would want to come to work.

The next Professional Development Seminar will be on 24 May 2012 at Club Hood.

“Diversity is a major strength of our Army. Our Army is the strength of this nation. Our reflection of the Nation’s diverse talent and our commitment to Army Values empower us to achieve the Army’s Diversity Vision: The National leader in embracing the strengths of diverse people in an inclusive environment. We will achieve this vision by investing in and managing talent, valuing individuals, and developing culturally astute Soldiers, Civilians, and Family Members who support our communities, and who embrace the human dimension of leadership.”

--United States Army Diversity Roadmap, December 2010



The Fort Hood Equal Opportunity (EO) Office invites you to attend the following Ethnic Observances to celebrate our cultural diversity and contributions made to our Nation by American women and men from different ethnicities and backgrounds.

The FY12 schedule is as follows:

| | | |
|--|-----------------------------|-----------------|
| Hispanic Heritage Month | 1330 hrs, 6 October 2011 | @ MCTC |
| Native American Heritage Month | 1330 hrs, 8 November 2011 | @ Howze Theater |
| Martin Luther King, Jr. (MLK) | 1330 hrs, 12 January 2012 | @ Howze Theater |
| African American History Month | 1330 hrs, 3 February 2012 | @ Howze Theater |
| Women’s History Month | 1330 hrs, 2 March 2012 | @ Howze Theater |
| Days of Remembrance for Victims of the Holocaust | 16-20 April 2012 | TBD |
| Asian Pacific American Heritage Month | 1330 hrs, 4 May 2012 | @ Howze Theater |
| Women’s Equality Day | 1330 hrs, 24 August 2012 | @ Howze Theater |
| Hispanic Heritage Month | 1330 hrs, 12 September 2012 | @ Howze Theater |

For information on Ethnic Observances, please contact the III Corps EO office at 254-287-6242 or 254-833-4102



*"Let us never
negotiate out of
fear, but let us
never fear to
negotiate."*

-John F. Kennedy



Alternative Dispute Resolution (ADR)

All agencies are required to have an ADR program. EEOC sets certain requirements the agencies must follow. The most important ADR program requirement is fairness. ADR is a fair, voluntary, confidential process, enforceable by the parties (if an agreement is reached), and led by a neutral person, like a mediator, who has no personal interest in the dispute.

The Department of the Army as well as Fort Hood EEO Office uses mediation in the ADR programs. Mediation is an informal meeting between the parties that is conducted by a neutral mediator. A mediator is trained to help people who have disagreements talk to each other. The mediator does not decide who is right or wrong and does not issue a decision. Instead, the mediator helps the parties work out their own resolutions to their dispute.

There are real advantages to participating in ADR. ADR offers both you and the agency the opportunity for a fast and informal settlement of the dispute. Rather than leaving the decision to a third party, such as an Administrative Judge, ADR gives you the opportunity to reach an agreement that works for both you and the agency.

Here at Hood

Best Practice --Fort Hood EEO uses Collateral Duty Mediators in Pre-complaint (informal complaint) Process. Selected employees are trained by the Federal Mediation and Conciliation Service (FMCS) to serve as Collateral Duty Mediators. The training is conducted on the installation to avoid the cost of TDY to other training locations, and the cost for training 20 employees is less than \$4,000. Mediator Refresher Training "Lunch and Learn" to sharpen their skills is offered quarterly. At Fort Hood, mediation is offered in nearly 100% of EEO pre-complaints; therefore, having numerous trained mediators on the installation ensure disputes are processed in an expeditious manner. In FY10, Collateral Duty Mediators provided services to the EEO Office at the cost avoidance of \$350K.

EEO Mediators' Appreciation Luncheon



29 March 2011

On 29 March 2011, Mr. Rod Chisholm, Deputy to the Garrison Commander, Directors, Supervisors and EEO Staff demonstrated their appreciation to the Mediators for their dedicated support and contributions to the EEO program by presenting them with the Garrison Coins of Excellence, Certificates of Appreciation, Cash Awards and the luncheon. In the

picture, from left to right, Mr. Rod Chisholm, Ms. Sheryl Remick from USA Test & Evaluation Command (ATEC) G-1, Mr. David Higginbottom from ATEC Contracting Activity, Ms. Carolyn Williams from Carl R. Darnall Army Medical Center HR, Ms. Sharon Whitehead from CPAC, Ms. Belinda Wood from ATEC Contracting Activity and Ms. Cindy Cole from the Directorate of Airfield Operations. Not in the picture: Ms. Donna Morrissey and Ms. Rene McFarland both from DFMWR. Their extraordinary mediation skills helped to resolve conflicts and improve work environments. Thank you for a job well done!!!!





Fort Hood EEO

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We are on the web!

WWW.HOOD.ARMY.MIL/EEO/



*"The die was now cast;
I had passed the
Rubicon. Swim or
sink, live or die,
survive or perish with
my country was my
unalterable
determination."*

*-John Quincy Adams
US President 1825-1829*



EEO Office Staff



From left to right:

Sharon Kilgore-EEO Technician, Jose Saucedo-DA EEO Intern,
Ericka Jones-EEO Specialist, Ana Videtto-EEO Specialist,
Kathy Cornwell-EEO Specialist and Rex Thomas-EEO Specialist.

Our Commitment

Our Mission

- The mission of the EEO office is to enhance the Fort Hood Leadership's commitment to equal opportunity through implementation of strong equal employment opportunity programs and affirmative employment plans without regard to race, religion, color, sex, national origin, age, genetic information, physical or mental disability or reprisal for previous EEO activity.
- Our office facilitates compliance with EEO laws and regulations, and assists the workforce in EEO related matters tailored to meet the needs of its' diverse population.

Our Vision

- A workplace environment where employees are free from discrimination, harassment, sexual harassment and are appraised solely on the basis of merit and ability
- Leading change and improvement in the areas of equal employment opportunity
- The Model EEO Program
- Ready for the mission
- Committed to the EEO Program Principles and Goals and the well-being of the Fort Hood Community.

Our Pledge

- Develop strategies, and collect data to address EEO discrimination.
- Enhance visibility of EEO Programs and Goals as we strive to eradicate discrimination.
- Engage employees, supervisors and managers to promote equality in the workplace.
- Collaborate with the workforce to promote diversity and inclusiveness; and to emphasize the importance of promoting dialogue about bias, discrimination and cultural issues in the workplace.